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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,513	01/26/2001	Toshiharu Ueno	0905-0256P-SP	6116
2292	7590	06/07/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			AGGARWAL, YOGESH K	
			ART UNIT	PAPER NUMBER
			2615	3

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,513

Applicant(s)

UENO, TOSHIHARU

Examiner

Yogesh K Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/26/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Image Sensing Apparatus and method of focusing and enlarging/reducing the in-focus image data on a display device.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-8 rejected under 35 U.S.C. 102(e) as being anticipated by Kaji et al. (US PG-PUB # 2002/0018136).

[Claim 1]

Kaji teaches an image sensing apparatus (figure 30) having an image sensing unit (figure 30: 103) for sensing the image of a subject via a focusing lens (figure 30: 101) and outputting a video signal representing the image of the subject formed on a photoreceptor surface (Paragraph 154 lines 9-12), a focus control unit (figure 30: 115 and 116) for controlling the focusing lens in such a manner that an image within a focusing zone is focused on the photoreceptor surface (Paragraph 154 lines 36-43), and a first display device for displaying the image of the subject (figure 30: 122 represents the EVF and figure 31A represents the first display device), which is

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for confirming angle of view (Figures 11-15, Paragraphs 91-97 teach the enlargement position input device 120 shown in figure 30 confirming the angle of view of an in-focus image), represented by the video signal output from the image sensing unit (figure 31A), said apparatus comprising:

an enlargement unit (figure 30: 107) for applying enlargement processing to the video signal, which has been output from the image sensing unit, in such a manner that an in-focus confirmation image, which corresponds to the focusing zone, in the image of the subject for confirming angle of view is enlarged in comparison with the image of the subject for confirming the angle of view (Paragraphs 171, 172, figures 31A and 31B); and
a second display device for displaying the in-focus confirmation image enlarged by said enlargement unit (figure 31B represents the second display device and displays the in-focus image enlarged by the enlargement unit 107).

[Claim 2]

The apparatus according to claim 1, wherein said first and second display devices are the same (Figures 31A and 31B correspond to the same display device, EVF 122).

[Claim 3]

The apparatus according to claim 2, further comprising a first display controller (figure 30: 110) for exercising control in such a manner that the enlarged in-focus confirmation image is displayed on the image for confirming angle of view (Figure 31B shows an enlarged in-focus confirmation image whose angle of view is confirmed by the enlargement position input device 120 as explained in Figures 11-15, Paragraphs 91-97).

[Claim 4]

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The apparatus according to claim 3, wherein capture of the image for confirming angle of view and capture of the enlarged in-focus confirmation image may be performed one after the other or simultaneously in terms of time [Figure 33 step S703 teaches a predetermined amount of wait time].

[Claim 6]

The apparatus according to claim 1, further comprising a first changing unit for changing at least one of position of the focusing zone and enlargement rate of enlargement processing performed by said enlargement unit (Paragraphs 195-196).

[Claim 7]

The apparatus according to claim 1, further comprising a second changing unit for changing at least one of display position and size of the in-focus confirmation image (Paragraphs 195-196).

[Claim 8]

Claim 8 is a method claim corresponding to the apparatus claim 1. Therefore claim 8 has been analyzed and rejected based upon the apparatus claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaji et al. (US PG-PUB # 2002/0018136) in view of Suzuki (US Patent # 6,111,605).

[Claim 5]

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Kaji et al. teaches a display controller for displaying the enlarged in-focus confirmation image on said second display device and a recording controller for exercising control to record the video signal output from the image sensing device on a recording medium but fails to teach a two-stage-stroke-type shutter-release button, a second display controller for displaying the enlarged in-focus confirmation image on said second display device in response to pressing of the shutter-release button through a first stage of its stroke and a recording controller for exercising control in response to pressing of the shutter-release button through a second stage of its stroke so as to record the video signal output from the image sensing device on a recording medium.

However Suzuki teaches a two-stage-stroke-type shutter-release button (figure 14A: 1406), a second display controller (figure 13: 113) for displaying the enlarged in-focus confirmation image on said second display device in response to pressing of the shutter-release button through a first stage of its stroke (col. 18 lines 50-55) and a recording controller (figure 13: 110) for exercising control in response to pressing of the shutter-release button through a second stage of its stroke so as to record the video signal output from the image sensing device on a recording medium (col. 18 lines 51-55).

Therefore it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a two-stage-stroke-type shutter-release button incorporated into the camera of Kaji with a second display controller for displaying the enlarged in-focus confirmation image on said second display device in response to pressing of the shutter-release button through a first stage of its stroke and a recording controller for exercising control in response to pressing of the shutter-release button through a second stage of its stroke so as to record the video signal output from the image sensing device on a recording medium. The

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benefit of doing so would be so that the user can verify the image before it is recorded into the recording medium.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5:30PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary examiner, Ngoc Yen Vu can be reached on (703) 305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
May 19, 2004


NGOC-YEN VU
PRIMARY EXAMINER